



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Notice

**PN 04-10**  
**December 15, 2005**

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## **INTERAGENCY ACQUISITIONS WITH CIVILIAN AGENCIES**

**BACKGROUND:** This PN revises the NASA FAR Supplement (NFS) to revise the numerical order of the regulations related to interagency acquisitions, to add a new section NFS 1817.7005 for Acquisitions with Civilian Agencies, rename the NASA-Defense Purchase Request (NASA Form (NF) 523) to NASA-Interagency Purchase Request, and to authorize the use of the NF 523 in all interagency acquisitions with Military Departments and Civilian Agencies. This change is necessary to appropriately format the NFS for interagency acquisitions into one subpart and to instruct NASA Centers to use the NASA-Interagency Purchase Request (NF 523) in all interagency acquisitions with civilian agencies and military departments. Currently, the NFS only provides the use of the NF 523 for interagency acquisitions with Military Departments and does not address the form to be utilized in interagency acquisitions with Civilian Agencies. Specifically, these NFS changes will allow NASA Contracting Offices to utilize a NF 523 when contracting for supplies or services with Civilian Agencies and Military Departments. This change is necessary to ensure consistency in the use of forms across NASA as an Agency.

**ACQUISITIONS AFFECTED BY CHANGES:** This change affects interagency acquisitions with military departments and civilian agencies.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** NASA Contracting Offices shall utilize a NF 523 when contracting for supplies and services with civilian agencies.

**CLAUSE CHANGES:** Section 1852.217-70 is revised

**PARTS AFFECTED:** Changes are made in Part 1808, 1817, 1852, and 1853.

**REPLACEMENT PAGES:** You may use the enclosed pages to replace 8:1, 8:2, 8:3, 8:4, Part 1817, 52:33, 52:34, 52-117, 52-118, 53:3, 53:4, 53-13, and 53-14.

**TYPE OF RULE AND PUBLICATION DATE:** The PN was published as a final rule in the Federal Register (70 FR 74206) on December 15, 2005. Other changes to this PN do not have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors and therefore do not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

**HEADQUARTERS CONTACT:** Marilyn J. Seppi, Contract Management Division, (703) 553-2551, email: marilyn.j.seppi@nasa.gov.

**//s//**

Tom Luedtke  
Deputy Chief Acquisition Officer/Director for Procurement

Enclosures

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**PART 1808**  
**REQUIRED SOURCES OF SUPPLIES AND SERVICES**

**1808.003 Use of other Government supply sources.**

**1808.003-70 Acquisition of radioisotopes.**

(a) U.S. Department of Energy Isotope and Technical Service Order Form CA-10-90.COM, and U.S. Nuclear Regulatory Commission Application for Material License, NRC Form 313, shall be used to acquire radioisotopes.

(b) NRC Form 313 shall be filed with the Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety, United States Nuclear Regulatory Commission, Washington, DC 20555. If the application meets all regulatory requirements and applicable standards, the Radioisotopes Licensing Branch, Nuclear Regulatory Commission, will issue a license to the applicant. After receipt of the license, a completed DOE Form CA-10-90.COM (in duplicate, if the contracting office wants an accepted copy of the form back from the supplier), the license, and a Government bill of lading shall be sent to the appropriate DOE laboratory. If a bill of lading is not furnished, shipment shall be made collect on a commercial bill of lading, to be converted at destination.

(c) NRC Form 313 and DOE Form CA-10-90.COM may be requisitioned directly from the United States Nuclear Regulatory Commission, Attn: Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety, Washington, DC 20555.

(d) Guidance is available from DOE at URL <http://www.ornl.gov/isotopes/catalog.htm>.

### **1808.003-71 Acquisition of liquid hydrogen.**

Requests for liquid hydrogen shall be submitted to the John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, FL 32899, Attn: Director of Logistics Operations.

### **1808.003-72 Acquisition of propellants.**

(a) **General.** NASA (and its contractors when authorized in accordance with 1851.1) may acquire the items listed in paragraph (j) of this section (except for liquid hydrogen; see 1808.003-71) on a reimbursable basis from the San Antonio Air Logistics Center (SA-ALC), Kelly Air Force Base, Texas, under the Air Force Missile Procurement Fund (MPF). The Air Force MPF shall be used as a supply source for propellants whenever there are economic or other advantages to the Government. Field installations and offices obtaining supplies from the MPF shall comply with the reporting requirements of paragraph (f) of this section.

(b) **Requests for acquisition.** To obtain the materials listed in paragraph (j) of this section from the Air Force MPF, NASA contracting offices will execute a NASA-Interagency Purchase Request (NASA Form 523) and forward it to Headquarters, SA-ALC, Kelly Air Force Base, TX 78241, Attention: SFS. The following additional information should be provided on the form:

(1) Contract number (when material is required for use by a NASA contractor).

(2) Delivery address.

(3) Mode of transportation (rail, trailer, barge, etc.). When the procurement request covers requirements for materials not previously forecasted or covers significant changes to previously reported requirements, SA-ALC should be notified immediately of such requirements.

#### **(c) Delivery requests.**

(1) A delivery request is a call on the Air Force, made against a NASA-Interagency Purchase Request (NASA Form 523), specifying the time and place of delivery. On the basis of the estimated requirements, the Air Force will notify NASA field installations and contractors of the name and address of the Air Force office or producing contractor's plant to which requests for delivery of materials shall be made. Delivery requests may be placed by any means of communication that time justifies; however, all verbal requests for delivery must be confirmed in writing within 24 hours. The delivery request, whether oral or written, must cite the NASA-

Interagency Purchase Request number under which the material is being ordered and contain the following information:

- (i) Nomenclature and National Stock Number.
- (ii) Quantity.
- (iii) Program, project, and task.
- (iv) Contract number (when material is required for use by a NASA contractor).
- (v) Delivery address.
- (vi) Dates of delivery.
- (vii) Mode of transportation.
- (viii) Location of weighing stations and scales (if weighing of the products before delivery is required).

(2) Each delivery request shall be numbered as follows to simplify identification and control: the last two digits of the calendar year; a dash; and a consecutive number beginning with 1 to run throughout the year (e.g., 89-5, for the fifth request made in 1989). Changes to a request are identified by adding an alphabetical designator beginning with (A) to the number.

**(d) Receiving procedures.**

(1) **Receiving documents.** Receipt of materials shall be evidenced on the receiving document received with the shipment by the signature of an individual authorized by NASA to receive materials from the Air Force. Every effort should be made to ensure that the NASA-Interagency Purchase Request number is recorded on the receiving document before signing.

(2) **Weighing facilities.** Local weighing facilities (NASA-owned, contractor-owned, commercial, or State-operated) may be used to determine quantities of product received. If a discrepancy exists between the quantities shown on receiving documents and the quantities actually received --

(i) A certified weighing ticket evidencing actual weight at destination shall be obtained; and

(ii) A copy of the receiving document (AF Form 857 or DD Form 250) and the original weighing ticket shall be forwarded to Headquarters, SA-ALC, Kelly Air Force Base, TX 78241, Attention: ACFOM, identifying the discrepancy.

(3) **Distribution of receipts.** Copies of all receiving documents except the AF Form 857 shall be transmitted to the Headquarters, SA-ALC, Kelly Air Force Base, TX 78241, Attention: SACAOM. Receiving documents may be accumulated and submitted on the 10th, 20th, and last day of each month.

(e) **Billing.** The costs of materials obtained through the MPF are reimbursable. After delivery, a Standard Form 1080 (Voucher for Transfers Between Appropriations and/or Funds (Disbursement)), supported by documentary evidence of delivery, will be submitted by Headquarters, SA-ALC to the NASA installation designated in the NASA Form 523.

**(f) Reporting requirements.**

(1) Field installations shall submit periodic estimates of requirements for materials listed in paragraph (j) of this section for all programs under their cognizance, including in-house contractor requirements. Reports shall be submitted in duplicate on AF Form 858, Forecast of Propellant Requirements.

(2) The reports shall be forwarded no later than June 1 and December 1 to reach Headquarters, SA-ALC, Kelly AFB, TX 78241, Attn: SFS. Supplemental reports advising of additions to or significant changes in previous reports may be submitted at any time. The

reports, covering all materials listed in paragraph (j) of this section, due in June and December, shall begin with requirements as of the following July 1 and January 1, respectively, and shall cover a 3-year period. Requirements shall be shown by month for the first 6 months, and by quarters for the remaining 2-1/2-year period.

(3) Estimated requirements and other pertinent data required from contractors shall be obtained on Air Force Form 858.

(g) **Report content.** Reports shall be made using a separate report form for each material and shall provide, for each item of material, the --

- (1) Contract number;
- (2) Program and/or project;
- (3) Specific task within the project;
- (4) End use when not associated with the named program or project;
- (5) Contractor's name;
- (6) Specific location of use (shipping destination); and
- (7) Planned source of supply.

(h) **Basis for developing materials requirements.** In computing requirements, consideration shall be given to such elements as lead time, waste factors, transfer, and storage losses so that phased requirements reflect the total gross quantities required to be delivered to the use or storage site. Since the requirements estimates are being used by other Government agencies acting as supply sources to contract for materials, estimates must be as accurate as possible.

(i) **NASA coordination.** The Kennedy Space Center shall coordinate the review of all data and establish NASA policy and procedures. The data shall be used as the basis for NASA requirements reports to various Government agencies for planning and supply support.

(j) **Table of reportable materials.**

Ammonia, Technical (Anhydrous) (Low Oil Content) 99.97 percent purity, Spec 0-A- 445

Argon Gas, 6000 PSI, AFPID 6830-5

Propellant, Ammonia, Liquid, Anhydrous 99.5 percent purity, Spec MIL-P-27406

Propellant, Chlorine Trifluoride, Spec MIL-P-81399

Propellant, Deuterium, Gaseous, AFPID 9135-20

Propellant, Fluorine, Gaseous, Spec MIL-P-27405

Propellant, Fluorine, Liquid, Spec MIL-P-27405

Helium, Technical Grade A, Spec BB-H-1168

Propellant, Isopropyl Alcohol, AFPID 9135-18

Propellant, Hydrazine, Standard Grade, Spec MIL-P-26536

Propellant, Hydrazine, Monopropellant Grade, Spec MIL-P-26536

Propellant, Hydrazine/Unsymmetrical Dimethylhydrazine, Spec MIL-P-27402

Propellant, Hydrogen, Gaseous, Type I, Spec MIL-P-27201

Propellant, Hydrogen, Liquid, Type II, Spec MIL-P-27201

Propellant, Hydrogen Peroxide, Spec MIL-P-16005

Propellant, Hydrogen Peroxide, Electrolytic Process, Spec MIL-P-16005

Propellant, Jet Fuel, Grade RJ-1, Spec MIL-F-25558

Propellant, JPX, 50 percent UDMH-50 percent JP-4, Spec MIL-P-26694

Propellant, JPX, 17 percent UDMH-83 percent JP-4, Spec MIL-P-26694

Propellant, Kerosene, Grade RP-1, Spec MIL-P-25576

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## **PART 1817**

### **SPECIAL CONTRACTING METHODS**

#### **Subpart 1817.1--Multiyear Contracting**

##### **1817.105 Policy.**

##### **1817.105-1 Uses.**

(b) The Assistant Administrator for Procurement (Code HS) is the approval authority for the use of the multiyear contracting technique. Requests for approval shall be signed by the procurement officer and shall include a description of the acquisition, identification of anticipated contract costs and funding, and a determination, with supporting rationale, that each of the criteria in FAR 17.105-1(b) is met by the proposed use of multiyear contracting.

#### **Subpart 1817.2--Options**

##### **1817.200 Scope of subpart.**

FAR Subpart 17.2 applies to all NASA contracts.

##### **1817.203 Solicitations.**

(g)(2) The procurement officer is authorized to approve option quantities greater than 50 percent.

##### **1817.204 Contracts.**

(e)(i) The 5-year limitation (basic plus option periods) applies to all NASA contracts regardless of type and other procurement award instruments. This includes agreements (e.g. basic ordering agreements, blanket purchase agreements), interagency acquisitions, and orders placed under agreements or awarded under a Federal Supply Schedule or other indefinite delivery/indefinite quantity contracts awarded by other agencies. See 1816.505-71 for limitations on the ordering period of task and delivery order contracts.

(ii) When the performance period exceeds 5 years (exclusive of options), the program/project office and the contracting officer shall review the requirement at the mid-point of the performance period to ensure that the products or services continue to fulfill NASA's mission needs and that the procurement award instrument continues to provide the best means of satisfying the requirement.



(iii) Requests for deviations from the 5-year limitation policy shall be sent to the Assistant Administrator for Procurement (Code HS) and shall include justification for exceeding five years. The justification shall discuss planned future assessment of continued performance either prior to exercise of options or at the mid-term of a basic contract with no options. Evidence shall also be included showing that the extended years can be reasonably priced.

**1817.206 Evaluation.**

(b)(i) The procurement officer is the approval authority for determinations by the contracting officer not to evaluate offers for any option quantities or periods.

(ii) Unless a determination has been approved under 1817.206(b)(i), the selection statement for each acquisition involving an option shall address the source selection authority's consideration of the option as part of the initial competition.

**1817.207 Exercise of options.**

(c)(2) In addition to determining the option fulfills an existing need, the contracting officer shall determine that there is no change in the scope of the option requirements.

(f) Options under cost type contracts shall contain an estimated cost for the option period(s).

(f)(2) Use of the provision (or formula) for determining the price of a fixed price option requires advance approval by the Assistant Administrator for Procurement (Code HS).

(f)(3)(ii) Use of a formula to determine the fee of an option in a cost-type contract requires advance approval of the Assistant Administrator for Procurement (Code HS). The formula shall preclude the contractor from increasing costs for the purpose of earning additional fee.

**1817.207-70 Analysis to support exercise of options.**

(a) The contracting officer's determination that exercise of the option is the most advantageous method of fulfilling the requirement shall be based on input and information from the requiring organization. The contracting officer and the requiring organization shall ensure that analysis sufficient to support the determination that option exercise is the most advantageous method is completed in advance of providing the notice to the contractor required by FAR 17.207(a). Sufficient time shall remain in the performance period to allow the acquisition team to pursue appropriate alternative approaches with minimal impact to the program or project in terms of technical, cost, or schedule risk should the analysis conclude that the best programmatic path is not exercising the option.

(b) The analysis required to support the option exercise determination must include consideration of other factors in addition to price. In addition to the other factors contained in FAR 17.207(e), the determination to exercise the option should include, but is not limited to, consideration of --

(1) The contractor's performance in satisfying contract requirements, for example, receiving positive performance ratings (see Subpart 1842.15) and the contractor's level of success in implementing and maintaining small business programs (including mentoring arrangements), which were evaluated as part of the source selection process and incorporated into the awarded contract; and

(2) The results of market research activities to identify any technical, engineering or scientific advances that offer programmatic benefits or performance improvements beyond those that are contractually available under the option to be exercised.

**1817.208 Solicitation provisions and contract clauses.**

(c)(3) The contracting officer shall insert a provision substantially the same as FAR 52.217-5 in cost reimbursement contracts when the other conditions of FAR 17.208(c) are met.

**Subpart 1817.4--Leader Company Contracting**

**1817.401 General.**

It is NASA policy not to use the leader company contracting technique.

**Subpart 1817.5--Interagency Acquisitions Under the Economy Act**

**1817.500 Scope of subpart.**

(b) See 1817.70.

**Subpart 1817.70 –Interagency Acquisitions**

**1817.7000 Scope of subpart.**

This subpart contains policies and procedures for the acquisition of supplies or services by NASA from or through Military Departments (see 1817.7004) and Civilian Agencies (see 1817.7005).

**1817.7001 Authorization and policy.**

(a) The National Aeronautics and Space Act of 1958 (42 U.S.C. 2473 et seq.) applies to NASA interagency acquisitions except those acquisitions for the NASA Office of Inspector General acquired under the authority of the Inspector General Act of 1978 (5 U.S.C. APPENDIX Sec.6(a)(9)). NASA has elected to conform its implementation of the National Aeronautics and Space Act of 1958 and the Inspector General Act of 1978 to the requirements of the Economy Act (see FAR 17.5).

(b) Individual orders or successive non-competitive interagency orders for the same requirement with the same servicing agency shall not exceed five years.

(c) Requests for deviation from the five year limitation in paragraph (b) of this section shall require the approval of the Center Director if the estimated value of the order is \$5 million or less, or the Assistant Administrator for Procurement (Program Operations Division) if the estimated value of the order exceeds \$5 million. Requests for deviation shall address:

- (1) Why more than five years is required;
- (2) Why the work must be performed by the same servicing agency; and
- (3) How long beyond the current order the requirement is expected to continue.

**1817.7002 Determinations and findings requirements.**

(a) Interagency acquisitions shall be supported by a Determination and Finding (D&F) equivalent to that required for Economy Act acquisitions (see FAR 17.503). This requirement applies to all purchases of goods or services under contracts entered into or administered by agencies other than NASA including the Military Departments and Civilian Agencies. The Space Act shall be cited as authority for all NASA interagency acquisitions except that the

Inspector General Act shall be cited as the authority for interagency acquisitions for the NASA Office of Inspector General.

(b) To satisfy the D&F requirement identified in FAR 17.503(a)(2), current market prices, recent acquisition prices, or prices obtained by informational submissions as provided in FAR 15.201 may be used to ascertain whether the acquisition can be accomplished more economically from commercial sources.

(c) In addition to the requirements in FAR 17.503, the D&F must identify the period of performance and whether the acquisition is a non-competitive follow-on for the same services from the same servicing agency. (See 1817.7001(b).)

(d) A D&F is required for each individual contract action (see FAR 1.702) and any increase permitted by options (see FAR 17.2).

(e) The determination described in paragraph (a) of this section is not required for contracts awarded under the Space Act to Government agencies pursuant to a Broad Agency Announcement when a review of the acquisition records would make it obvious that the award is not being used as a method of circumventing regulatory or statutory requirements, particularly FAR Part 6, Competition Requirements (e.g., when a significant number and value of awards made under the BAA are made to entities other than Government agencies).

(f) All D&Fs for a servicing agency not covered by the FAR shall be approved by the Assistant Administrator for Procurement.

(g) Each D&F, including class D&Fs shall be reviewed by legal (see NFS 1801.770).

#### **1817.7003 Ordering procedures.**

To satisfy the ordering procedures in FAR 17.504(b)(4), all payment provisions shall require the servicing agency or department to submit a final voucher, invoice, or other appropriate payment document within six months after the completion date of the order. A different period may be specified by mutual agreement if six months is not sufficient.

#### **1817.7004 Acquisitions with Military Departments**

This section contains policies and procedures, developed jointly by NASA and DOD, for acquisition of supplies or services by NASA from or through the Military Departments.

##### **1817.7004-1 Authorization and policy.**

(a) NASA is authorized by the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473 et seq.) to use the acquisition services, personnel, equipment, and facilities of the Military Departments, with their consent and with or without reimbursement, and, on a similar basis, to cooperate with the Military Departments in the use of acquisition services, equipment, and facilities.

(b) The Military Departments have agreed to cooperate fully with NASA in making their acquisition services, equipment, personnel, and facilities available on the basis of mutual agreement.

(c) The Military Departments have agreed not to claim reimbursement for administrative costs incident to acquisitions for NASA, except as may be otherwise agreed before the services are performed.

(d) When procuring supplies or services for NASA or performing field service functions in support of NASA contracts, the Military Departments have agreed to use their own methods, except when otherwise required by the terms of the agreement involved.

(e) The Military Departments normally will use their own funds when procuring supplies or services or performing services for NASA, and will not cite NASA funds on any Defense obligation or payment document.

**1817.7004-2 NASA-Interagency Purchase Request and acceptance.**

(a) The NASA-Interagency Purchase Request (NASA Form 523) shall be used by NASA contracting offices for requesting acquisition of supplies or services from all activities of the Military Departments. Individual NASA-Interagency Purchase Requests shall be prepared in accordance with the instructions on the reverse of NASA Form 523 and shall be numbered in accordance with Subpart 1804.71. The form shall not be used for requesting --

(1) Block transfers of excess property between NASA and the Military Departments;

(2) Performance by the Military Departments of field service functions related to NASA contracts; or

(3) Items that the Military Departments normally purchase and stock for military use or in-house services, except when a DOD activity is willing to accept the form for these purposes. Supplies and services of this nature may be requisitioned using appropriate DOD forms when they are provided by and are acceptable to or preferred by the Military Department supplying activity or as otherwise mutually agreed upon by the parties.

(b) Include a provision in accordance with 1817.7003.

(c) To obtain materials from the Air Force Missile Procurement Fund, the contracting officer shall follow the procedures of 1808.003-72.

**1817.7004-3 Acceptance by Military Department.**

(a) Except as provided in paragraph (c) of this section, the Military Department concerned will, within 30 days after receipt of a NASA-Interagency Purchase Request, forward to the initiator of the request an Acceptance of MIPR, DD Form 448-2. Each DD Form 448-2 will show the action being taken to fill the requirement and the name and complete address of the DOD contracting activity.

(b) To the extent feasible, all documents (including acceptances, contracts, correspondence, shipping documents, work or project orders, and Standard Form 1080 (Voucher for Transfer between Appropriations and/or Funds) billings) will reference the NASA-Interagency Purchase Request number and the item number.

(c) Acceptance by the Military Department is not required for NASA-Interagency Purchase Requests covering deliveries of common-use standard-stock items that the supplying agency has on hand or on order for prompt delivery at published prices.

**1817.7004-4 Changes in estimated total prices.**

When a Military Department determines that the estimated total price (Block 7, NASA Form 523) of the items to be acquired for NASA is not sufficient to cover the required reimbursement or is in excess of the amount required, a request for an amendment will be forwarded to the NASA originating office. The request will indicate a specific dollar amount, rather than a percentage, and will include justification for any upward adjustment requested. Upon approval of the request, the

Cognizant NASA contracting office shall forward to the DOD contracting activity an amendment to the NASA-Interagency Purchase Request.

**1817.7004-5 Payments.**

Except when agreements provide that reimbursement is not required, payments to the Military Departments shall be made by NASA office designated in block 9 of the NASA-Interagency Purchase Request upon receipt of Standard Form 1080. Billings will be supported in the same manner as billings between Military Departments.

**1817.7004-6 Contract clause.**

The contracting officer shall insert the clause at 1852.217-70, Property Administration and Reporting, in any NASA-Interagency Purchase Request when property will be involved.

**1817.7005 Acquisitions with Civilian Agencies**

This section contains policies and procedures for the acquisition of supplies or services by NASA from or through Civilian Agencies.

**1817.7005-1 Authorization and policy.**

NASA is authorized by the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473 et seq.) to acquire supplies or services of Civilian Agencies, with their consent and with or without reimbursement on the basis of mutual agreement with Civilian Agencies. Contracting Officer shall complete and execute a Determination and Finding (D&F) before placing an order for supplies or services with another Government agency in accordance with NFS 1817.70.

**1817.7005-2 NASA-Interagency Purchase Request (NF-523) and Acceptance.**

(a) The NASA-Interagency Purchase Request (NF-523) shall be used by all NASA Contracting Offices for requesting acquisition of supplies or services from all activities of Civilian Agencies under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473 et seq.). Individual NF-523's shall be prepared in accordance with the instructions contained in the NF-523 and shall be numbered in accordance with Subpart NFS 1804.71.

(b) Include a provision for ordering procedures in accordance with 1817.7003.

(c) Include a provision for acceptance by Civilian Agencies, such as: the servicing agency shall provide acceptance of this order no later than 30 days after receipt of the order. The acceptance shall be sent to: Insert NASA installation, office code, and address. The acceptance shall cite the order number and have a typed name, title, and signature of the accepting official, including address, phone number, email address, and facsimile number.

(d) Include a provision and instructions for submission of invoices/billing and payments to be made by Civilian Agencies. Identify the address of the Agency location for the servicing agency to submit invoices to, provide detailed instructions for transmitting the funds, and whether the servicing agency shall submit invoices via the online Intra-Governmental Payment and Collection (IPAC) System or SF1080/SF1081 or equivalent form to be utilized. Information about IPAC is available at <http://fms.treas.gov/goals/ipac/index.html>.

(e) Include provisions for contract administration, property accountability, and reporting requirements (if property is provided to the Civilian servicing agency or will be acquired and

requires reporting). Complete contract administration requirements and contract audit responsibilities appropriate for the type of contract and scope of work on all interagency orders. The requiring activity should also provide provisions for any special contract terms or other applicable requirements for funding. This includes information such as special funds tracking and reporting requirements, additional contract administration requirements, special delivery or packaging instructions, a copy of the executed determination, and any other supporting documents;

(f) Include a provision for data rights, patent rights, and reportable new technology, if applicable;

(g) Identify the technical representative and identify roles, responsibilities, and limitations;

(h) Identify the scope of work/deliverables. Include a complete description of the supply or service to be delivered and include reference to any proposal received from the servicing civilian agency;

(i) Cite the Authority. Cite the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473 et seq.) as the authority unless the order is for the NASA Office of Inspector General (See NFS 1817.7001);

(j) Amount of the Order. Include funding (incremental or fully-funded) amount and accounting and appropriation data (i.e. procurement request number).

### **1817.7005-3 Contract clause.**

The contracting officer shall insert the clause at 1852.217-70, Property Administration and Reporting, in any NASA-Interagency Purchase Request when property will be involved.

## **Subpart 1817.71--Exchange or Sale of Personal Property**

### **1817.7101 Policy.**

(a) Section 201(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384, as amended (40 U.S.C. 481(c)), authorizes the exchange or sale of Government personal property and the application of the exchange allowance or proceeds from sale to the acquisition of similar property for replacement purposes. The transaction must be evidenced in writing.

(b) NASA installations and contractors are authorized to conduct exchange/sale transactions as long as the requirements and restrictions of NPR 4300.1 and the Federal Property Management Regulations, Subchapter H, part 101-46, are followed. In conducting such exchanges/sales, NASA contractors must obtain the contracting officer's prior written approval and must report the transactions to the cognizant NASA installation Property Disposal Officer (PDO).

## **Subpart 1817.73--Phased Acquisition**

### **1817.7300 Definitions.**

(a) **Down-selection.** In a phased acquisition, the process of selecting contractors for later phases from among the preceding phase contractors.

(b) **Phased Acquisition.** An incremental acquisition implementation comprised of several distinct phases where the realization of program/project objectives requires a planned, sequential acquisition of each phase. The phases may be acquired separately, in combination, or through a down-selection strategy.

(c) **Progressive Competition.** A type of down-selection strategy for a phased acquisition. In this method, a single solicitation is issued for all phases of the program. The initial phase contracts are awarded, and the contractors for subsequent phases are expected to be chosen through a down-selection from among the preceding phase contractors. In each phase, progressively fewer contracts are awarded until a single contractor is chosen for the final phase. Normally, all down-selections are accomplished without issuance of a new, formal solicitation.

**1817.7301 Down-selections in phased acquisitions.**

**1817.7301-1 Pre-solicitation planning.**

(a) The rationale for the use of the down-selection technique shall be thoroughly justified in the acquisition planning requirement. Because the initial phase solicitation will also lead to subsequent phase award(s), the decision to use a down-selection strategy must be made prior to release of the initial solicitation. Accordingly, all phases must be addressed in the initial acquisition strategy planning and documented in the acquisition plan or ASM minutes.

(b) If there is no direct link between successful performance in the preceding phase and successful performance in a subsequent phase, down-selection is inappropriate. In this case, the phases should be contracted for separately without a down-selection.

(c) With one exception, both the initial and subsequent phase(s) of an acquisition down-selection process are considered to be full and open competition if the procedures in 1817.7301-4 and 1817.7301-5 (if using the progressive competition technique) are followed. If only one contractor successfully completed a given phase and no other offers are solicited for the subsequent phase, award of the subsequent phase may be made only if justified by one of the exceptions in FAR 6.302 or one of the exclusions in FAR 6.2, and only after compliance with the synopsis requirements of FAR 5.202 and 5.205 and 1804.570-2.

**1817.7301-2 Evaluation factors.**

A separate set of evaluation factors must be developed for each phase in a down-selection competition. Since these competitive down-selection strategies anticipate that a preceding phase contractor will be the subsequent phase contractor, the evaluation factors for initial phase award must specifically include evaluation of the offerors' abilities to perform all phases.

**1817.7301-3 Down-selection milestones.**

(a) When sufficient programmatic and technical information is available to all potential offerors, proposal evaluation and source selection activities need not be delayed until completion of a given phase. These activities should commence as early as practicable. The initial phase contracts should be structured to allow for down-selection at a discrete performance milestone (e.g., a significant design review or contract completion) of a design maturity sufficient to allow for an informed selection decision. This will avoid time gaps between phases and eliminate unnecessary duplication of effort.

(b) The appropriate contract structure must reflect program technical objectives as well as schedule considerations. For example, if a two-phased acquisition strategy calls for formal completion of initial phase effort at Preliminary Design Review (PDR), but it is not financially practical or technically necessary for subsequent phase award and performance to carry all initial phase contractors through PDR, the initial phase contracts should be structured with a basic period of performance through a significant, discrete milestone before PDR with a priced option for effort

from that milestone to PDR. The down-selection would occur at the earlier milestone, the PDR option exercised only for the down-selection winner, and the subsequent phase performance begun at the completion of the PDR option.

**1817.7301-4 Synopsis.**

(a) Each phase of a phased acquisition not performed in-house must be synopsized in accordance with FAR 5.201 and must include all the information required by FAR 5.207. Time gaps between phases should be minimized by early synopsis of subsequent phase competition. The synopsis for the initial competitive phase should also state the following:

(1) The Government plans to conduct a phased acquisition involving a competitive down-selection process. (Include a description of the process and the phases involved).

(2) Competitions for identified subsequent phases will build on the results of previous phases.

(3) The award criteria for subsequent phases will include demonstrated completion of specified previous phase requirements.

(4) The Government expects that only the initial phase contractors will be capable of successfully competing for the subsequent phase(s). Proposals for the subsequent phase(s) will be requested from these contractors.

(5) The Government intends to issue (or not issue) a new, formal solicitation(s) for subsequent phase(s). If new solicitations are not planned, the acquisition must be identified as a "progressive competition" (see 1817.7301-5), and the mechanism for providing pertinent subsequent phase proposal information (e.g., statements of work, specifications, proposal preparation instructions, and evaluation factors for award) must be described.

(6) Each subsequent phase of the acquisition will be synopsized in accordance with FAR 5.201 and 5.203.

(7) Notwithstanding the expectation that only the initial phase contractors will be capable of successfully competing for the subsequent phase(s), proposals from all responsible sources submitted by the specified due date will be considered. In order to contend for subsequent phase awards, however, such prospective offerors must demonstrate a design maturity equivalent to that of the prior phase contractors. Failure to fully and completely demonstrate the appropriate level of design maturity may render the proposal unacceptable with no further consideration for contract award.

(b) In addition to the information in paragraph (a) of this section, the synopsis for the subsequent phase(s) must identify the current phase contractors.

**1817.7301-5 Progressive competition.**

(a) To streamline the acquisition process, the preferred approach for NASA phased acquisitions is the "progressive competition" down-selection technique in which new, formal solicitations are not issued for phases subsequent to the initial phase. Subsequent phase proposals are requested by less formal means, normally by a letter accompanied by the appropriate proposal preparation and evaluation information.

(b) When using the progressive competition technique, if a prospective offeror other than one of the preceding phase contractors responds to the synopsis for a subsequent phase and indicates an intention to submit a proposal, the contracting officer shall provide to that offeror all the material furnished to the preceding phase contractors necessary to submit a proposal. This information includes the preceding phase solicitation, contracts, and system performance and design



requirements, as well as all proposal preparation instructions and evaluation factors. In addition, the prospective offeror must be advised of all requirements necessary for demonstration of a design maturity equivalent to that of the preceding phase contractors.

(c) A key feature of the progressive competition technique is that a formal solicitation is normally not required. However, when the Government requirements or evaluation procedures change so significantly after release of the initial phase solicitation that a substantial portion of the information provided in the initial phase synopsis, solicitation, or contracts is no longer valid, a new solicitation shall be issued for the next phase.

- (d) Subsequent phase proposals should be requested by a letter including the following:
- (1) A specified due date for the proposals along with a statement that the late proposal information in paragraph (c)(3) of FAR 52.215-1, Instructions to Offerors -- Competitive Acquisition, applies to the due date.
  - (2) Complete instructions for proposal preparation, including page limitations, if any.
  - (3) Final evaluation factors.
  - (4) Any statement of work, specifications, or other contract requirements that have changed since the initial solicitation.
  - (5) All required clause changes applicable to new work effective since the preceding phase award.
  - (6) Any representations or certifications, if required.
  - (7) Any other required contract updates (e.g., small and small disadvantaged business goals).
- (e) Certain factors may clearly dictate that the progressive competition technique should not be used. For example, if it is likely that NASA may introduce a design concept independent of those explored by the preceding phase contractors, it is also likely that a new, formal solicitation is necessary for the subsequent phase and all potential offerors should be solicited. In this circumstance, progressive competition is inappropriate.

**1817.7302 Contract clauses.**

- (a) The contracting officer shall insert the clause at 1852.217-71, Phased Acquisition Using Down-Selection Procedures, in solicitations and contracts for phased acquisitions using down-selection procedures other than the progressive competition technique. The clause may be modified as appropriate if the acquisition has more than two phases. The clause shall be included in the solicitation for each phase and in all contracts except that for the final phase.
- (b) The contracting officer shall insert the clause at 1852.217-72, Phased Acquisition Using Progressive Competition Down-Selection Procedures, in solicitations and contracts for phased acquisitions using the progressive competition technique. The clause may be modified as appropriate if the acquisition has more than two phases. The clause shall be included in the initial phase solicitation and all contracts except that for the final phase.

**1852.217-70 Property Administration and Reporting.**

As prescribed in 1817.7004-6 and 1817.7005-3, insert the following clause:

**PROPERTY ADMINISTRATION AND REPORTING  
(DECEMBER 2005)**

All property acquired for, and reimbursed by, NASA or transferred by NASA for use under this NASA-Interagency Purchase Request shall be controlled and accounted for in accordance with the servicing agency's normal procedures. All excess items, however, costing \$500 or more and in condition Code 7 or better (GSA Condition Codes) shall be reported to the NASA originating office for possible reutilization before disposition.

**(End of clause)**

**1852.217-71 Phased Acquisition Using Down-Selection Procedures.**

As prescribed in 1817.7302(a), insert the following clause:

**PHASED ACQUISITION USING DOWN-SELECTION PROCEDURES  
(MAY 2000)**

(a) This solicitation is for the acquisition of \_\_\_\_\_ [*insert Program title*]. The acquisition will be conducted as a two-phased procurement using a competitive down-selection technique between phases. In this technique, two or more contractors will be selected for Phase 1. It is expected that the single contractor for Phase 2 will be chosen from among these contractors after a competitive down-selection.

(b) Phase 1 is for the \_\_\_\_\_ [*insert purpose of phase*]. Phase 2 is for \_\_\_\_\_ [*insert general Phase 2 goals*].

(c) The competition for Phase 2 will be based on the results of Phase 1, and the award criteria for Phase 2 will include successful completion of Phase 1 requirements.

(d) NASA will issue a separate, formal solicitation for Phase 2 that will include all information required for preparation of proposals, including the final evaluation factors.

(e) Phase 2 will be synopsized in the Commerce Business Daily (CBD) in accordance with FAR 5.201 and 5.203 unless one of the exceptions in FAR 5.202 applies. Notwithstanding NASA's expectation that only the Phase 1 contractors will be capable of successfully competing for Phase 2, all proposals will be considered. Any other responsible source may indicate its desire to submit a proposal by responding to the Phase 2 synopsis, and NASA will provide that source a solicitation.

(f) To be considered for Phase 2 award, offerors must demonstrate a design maturity equivalent to that of the Phase 1 contractors. This demonstration shall include the following Phase 1 deliverables upon which Phase 2 award will be based: \_\_\_\_\_ [*insert the specific Phase 1 deliverables*]. Failure to fully and completely demonstrate the appropriate level of design maturity may render the proposal unacceptable with no further consideration for contract award.

(g) The following draft Phase 2 evaluation factors are provided for your information. Please note that these evaluation factors are not final, and NASA reserves the right to change them at any time up to and including the date upon which Phase 2 proposals are solicited.

[*Insert draft Phase 2 evaluation factors (and subfactors, if available), including demonstration of successful completion of Phase 1 requirements.*]

(h) Although NASA will request Phase 2 proposals from Phase 1 contractors, submission of the Phase 2 proposal is not a requirement of the Phase 1 contract. Accordingly, the costs of

preparing these proposals shall not be a direct charge to the Phase 1 contract or any other Government contract.

(i) The anticipated schedule for conducting this phased procurement is provided for your information. These dates are projections only and are not intended to commit NASA to complete a particular action at a given time. *[Insert dates below]*.

Phase 1 award -

Phase 2 synopsis -

Phase 2 proposal requested -

Phase 2 proposal receipt -

Phase 2 award -

**(End of clause)**

### **1852.217-72 Phased Acquisition Using Progressive Competition Down-Selection Procedures.**

As prescribed in 1817.7302(b), insert the following clause:

#### **PHASED ACQUISITION USING PROGRESSIVE COMPETITION DOWN-SELECTION PROCEDURES (MAY 2000)**

(a) This solicitation is for the acquisition of \_\_\_\_\_ *[insert Program title]*. The acquisition will be conducted as a two-phased procurement using a progressive competition down-selection technique between phases. In this technique, two or more contractors will be selected for Phase 1. It is expected that the single contractor for Phase 2 will be chosen from among these contractors after a competitive down-selection.

(b) Phase 1 is for the \_\_\_\_\_ *[insert purpose of phase]*. Phase 2 is for \_\_\_\_\_ *[insert general Phase 2 goals]*.

(c) The competition for Phase 2 will be based on the results of Phase 1, and the award criteria for Phase 2 will include successful completion of Phase 1 requirements.

(d) NASA does not intend to issue a separate, formal solicitation for Phase 2. Instead, Phase 2 proposals will be requested from the Phase 1 contractors by means of \_\_\_\_\_ *[indicate method of requesting proposals, e.g., by a letter]*. All information required for preparation of Phase 2 proposals, including the final evaluation criteria and factors, will be provided at that time.

(e) Phase 2 will be synopsisized in the Commerce Business Daily (CBD) in accordance with FAR 5.201 and 5.203 unless one of the exceptions in FAR 5.202 applies. Notwithstanding NASA's expectation that only the Phase 1 contractors will be capable of successfully competing for Phase 2, all proposals will be considered. Any other responsible source may indicate its desire to submit a proposal by responding to the Phase 2 synopsis, and NASA will provide that source all the material furnished to the Phase 1 contractors necessary to submit a proposal.

(f) To be considered for Phase 2 award, offerors must demonstrate a design maturity equivalent to that of the Phase 1 contractors. This demonstration shall include the following Phase 1 deliverables upon which Phase 2 award will be based: \_\_\_\_\_ *[insert the specific Phase 1 deliverables]*. Failure to fully and completely demonstrate the appropriate level of design maturity may render the proposal unacceptable with no further consideration for contract award.

(g) The following draft Phase 2 evaluation factors are provided for your information. Please note that these evaluation factors are not final, and NASA reserves the right to change them at

## **1853.204 Administrative matters.**

### **1853.204-70 General (NASA Forms 531, 533M, 533Q, 1098, 1356, 1611, 1612, and Department of Defense Form 1593).**

- (a) *NASA Form 531, Name Check Request.* Prescribed in 1852.204-76.
- (b) The following forms are prescribed in 1842.72:
  - (1) NASA Form 533M, Monthly Contractor Financial Management Report.
  - (2) NASA Form 533Q, Quarterly Contractor Financial Management Report.
- (c) *NASA Form 1098, Checklist for Contract Award File Content.* Prescribed in 1804.803-70.
- (d) *NASA Form 1356, C.A.S.E. Report on College and University Projects.* Prescribed in 1804.671.
- (e) *NASA Form 1611, Contract Completion Statement.* Prescribed in 1804.804-2 and 1804.804-5.
- (f) The following forms are prescribed in 1804.804-5:
  - (1) NASA Form 1612, Contract Closeout Checklist.
  - (2) DD Form 1593, Contract Administration Completion Record.

## **1853.208 Required sources of supplies and services.**

### **1853.208-70 Other Government sources (Standard Form 1080, Air Force Form 858, Department of Energy Form CA-10-90.COM, Nuclear Regulatory Commission Form 313).**

- (a) *SF 1080, Voucher for Transfers Between Appropriations and/or Funds (Disbursement).* Prescribed in 1808.002-72(e).
- (b) *Air Force Form 858, Forecast of Requirements (Missile Propellants and Pressurants).* Prescribed in 1808.002-72(f).
- (c) *U.S. Department of Energy Isotope and Technical Service Order Form CA-10-90.COM.* Prescribed in 1808.002-70(a).
- (d) *Nuclear Regulatory Commission Form 313, Application for Material License.* Prescribed in 1808.002-70(a).

## **1853.215 Contracting by negotiation.**

### **1853.215-70 Price negotiation (NASA Form 634 and Department of Defense Form 1861).**

- (a) *NASA Form 634, Structured Approach--Profit/Fee Objective.* Prescribed in 1815.404-470.
- (b) *DD Form 1861, Contract Facilities Capital Cost of Money.* Prescribed in 1830.70, and instructions for completion are in 1830.7001-2.

## **1853.216 Types of contracts.**

### **1853.216-70 Assignees under cost-reimbursement contracts (NASA Forms 778, 779, 780, and 781).**

The following forms are prescribed in 1852.216-89:

- (a) NASA Form 778, Contractor's Release.
- (b) NASA Form 779, Assignee's Release.
- (c) NASA Form 780, Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts.
- (d) NASA Form 781, Assignee's Assignment of Refunds, Rebates, Credits, and Other Amounts.

### **1853.217 Special contracting methods (NASA Form 523).**

*NASA Form 523, NASA-Interagency Purchase Request.* Prescribed in 1808.003-72(b), 1817.7004-2, and 1817.7005-2.

**1853.225 Foreign Acquisition (Customs Form 7501).**

*Customs Form 7501, Entry Summary.* Prescribed in 1825.903 and 14 CFR 1217.104.

**1853.232-70 Contract financing (Standard Forms 272, 272A).**

The following forms are prescribed in 1832.412(a)(ii):

- (a) SF 272, Federal Cash Transactions Report.
- (b) SF 272A, Federal Cash Transactions Report Continuation.

**1853.242 Contract administration.**

**1853.242-70 Delegation (NASA Forms 1430, 1430A, 1431, 1432, 1433, and 1634) and service request (NASA Form 1434).**

(a) *NASA Form 1430, Letter of Contract Administration Delegation, General.* Prescribed in 1842.202(d)(ii).

(b) *NASA Form 1430A, Letter of Contract Administration Delegation, Special Instructions.* Prescribed in 1842.202(d)(ii).

(c) *NASA Form 1431, Letter of Acceptance of Contract Administration Delegation.* Prescribed in 1842.202(d)(iii).

(d) *NASA Form 1432, Letter of Contract Administration Delegation, Termination.* Prescribed in 1842.202(b)(i)(G).

(e) *NASA Form 1433, Letter of Audit Delegation.* Prescribed in 1842.202(d)(iv).

(f) *NASA Form 1634, Contracting Officer Technical Representative (COTR) Delegation.* Prescribed in 1842.270(b).

(g) *NASA Form 1434, Letter of Request for Pricing-Audit-Technical Evaluation Services.* Prescribed in 1815.404-2(a)(1)(D).